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**Subject:** E&E article on ANPRM -- requests for longer comment period

## EPA

# Groups want more time to comment on cost-benefit proposal

Maxine Joselow, E&E News reporter

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EPA headquarters in Washington. Claudine Hellmuth/E&E News

Public interest groups are calling for EPA to extend the comment period on a controversial proposal to alter the way it considers costs and benefits in rulemaking.

The agency will take comments on the proposal for 30 days, according to a [notice](#) set for publication in tomorrow's *Federal Register*.

The plan, titled "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process," is still in the early stages of the rulemaking process. It's an advanced notice of proposed rulemaking, rather than a proposed rule.

But public interest groups are sounding the alarm that the plan reflects a de-emphasis on the benefits of rules, and they're urging EPA to extend the comment period to 60 days or more.

"Just looking at the advanced notice of proposed rulemaking, EPA has opened an enormous Pandora's box with this," said James Goodwin, senior policy analyst with the Center for Progressive Reform. "For their benefit as well as the public's, they really need to allow for a longer comment period so folks can digest this stuff and assemble a set of comments."

Goodwin noted the Natural Resources Defense Council was disinvited from a meeting about the proposal with the White House Office of Information and Regulatory Affairs, even though the office had previously met with three industry groups (*E&E News PM*, June 6).

"The public interest community is already at a disadvantage with this because we were never granted meetings with OIRA," he said. "So at the very least, they need to extend the public comment period so that we can give our side of the story."

Yogin Kothari, Washington representative with the Union of Concerned Scientists' Center for Science and Democracy, said his group was weighing a formal request to lengthen the comment period.

"When you're trying to make these big policy changes at an agency so vital to public health, it's really important to provide for as much stakeholder input as possible," Kothari said. "And I think what we've seen with this EPA is them trying to rush things through without them being vetted."

He added, "I think we would want a minimum of 60 days, even with the advanced notice of proposed rulemaking. For organizations that have resource constraints, it's difficult to turn comments around as quickly as possible."

## Precedent

While the Administrative Procedure Act doesn't spell out a minimum period for public comments, there's a precedent for EPA extending the period when it gets an earful from concerned stakeholders.

Last year, for instance, the agency extended the deadline for commenting on its proposed rollback of the Clean Power Plan by 32 days (*E&E News PM*, Nov. 8, 2017).

More recently, EPA added more than two months to the comment period for its "secret science" proposal after receiving a barrage of requests (*Greenwire*, May 24).

Those requests came from environmental and public health organizations as well as dozens of Democratic lawmakers. Rep. Paul Tonko (D-N.Y.) and 64 other House Democrats had asked for at least a two-month extension, while Sen. Sheldon Whitehouse (D-R.I.) and 19 other senators had urged the same in their own letter to EPA Administrator Scott Pruitt.

"At the EPA, Scott Pruitt is executing industry's wish list to the letter," Whitehouse said in a statement to E&E News. "Rushing this proposal through is another example of prioritizing the voices of his polluting benefactors. And if this proposal to ignore the benefits of key environmental protections goes into effect, it will lead to serious consequences for Americans' health and environment."

Separately, Sens. Tom Carper (D-Del.) and Rob Portman (R-Ohio) are asking the Government Accountability Office to "conduct a comprehensive evaluation of the security and efficacy of the means by which federal agencies receive comments on proposed rulemakings." Rep. Trey Gowdy (R-S.C.), chairman of the House Oversight and Government Reform Committee, yesterday joined their request.